

DISTRICT COURT OF THE VIRGIN ISLANDS

DIVISION OF ST. CROIX

**JERMAINE BROWN AND KENYA
HENRY,**

Plaintiff,

v.

**CHARLIE'S/DIAMOND READY MIX,
INC.,**

Defendant.

2006-CV-0167

**TO: Lee J. Rohn, Esq.
Nathania M. Bates, Esq.
Emile A. Henderson, III, Esq.**

ORDER DENYING PLAINTIFFS' MOTION FOR SANCTIONS

THIS MATTER came before the Court upon Plaintiffs' Motion For Sanctions Against Defendant For Failure to Comply with the Court Order Dated July 21, 2008 (Docket No. 28). Defendant filed a response to said motion. This order is issued without necessity of reply.

Counsel for Defendant maintains that, due to problems with his office's internet service provider, he did not receive notice of entry of the Court's July 21, 2008, Order. Counsel asserts that Defendant is making efforts to comply now that it is aware of the said order and requests an additional twenty (20) days in which to file the discovery responses.

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The Court finds that Defendant has established good cause for not complying with the deadline set in the said order. In light of the stipulated extension of discovery deadlines and the Court's approval thereof, the Court finds that Plaintiff is not prejudiced by the delay of the production of the discovery at issue. Consequently, the Court finds that sanctions are not warranted.

Accordingly, it is now hereby **ORDERED**:

1. Plaintiffs' Motion For Sanctions Against Defendant For Failure to Comply with the Court Order Dated July 21, 2008 (Docket No. 28) is **DENIED**.
2. Defendant shall serve upon counsel for Plaintiff the discovery responses, as ordered by Order Granting Plaintiff's Motion to Compel Defendant to Provide Responses to Discovery (Docket No. 27), on or before **August 18, 2008**.

ENTER:

Dated: August 8, 2008

/s/
GEORGE W. CANNON, JR.
U.S. MAGISTRATE JUDGE